

CONSERVATION COMMISSION

June 4, 2009

Draft Meeting Minutes

The meeting came to order at 7:40 p.m.

Present from the commission were: Kevin Anderson, Richard Doucette, Kate Hickey,, Joseph Nerden and Susan Murphy.

Absent from the commission was: Steve Locke and Keith Fleming

Present from the public were: Leah Basbanes, Jan Crafts, Kathy Driscoll, Michael & Jane Hancock, Kevin Hegarty, Louis Izzi, Paul Ormond and Rich Williams.

MINUTES

April 2, 2009 Meeting Minutes

MOTION

Commissioner Anderson motioned to approve the April 2, 2009 meeting minutes, seconded by Commissioner Nerden, voted unanimously.

INVOICE

An invoice in the amount of \$240 for secretarial services from Meredith Beauchesne from April 16, 2009 through June 4, 2009.

MOTION

Commissioner Nerden motioned to pay the invoice for \$240 for secretarial services, seconded by Commissioner Hickey, voted unanimously.

CORRESPONDENE

- Notice from Com Tank regarding the underground oil spill at 67 Greenwood Street
- Notice from Northern Tree regarding the DRC Treatment Plan which has been previously before the commission
- Mass Wildlife Newsletter
- Friends of the Fells Newsletter
- Mystic Watershed Newsletter

AQUACTIC CONTROL TECHNOLOGIES

The commission has discussed various options regarding the treatment of the ponds. The commission has agreed to go forward with a three-year plan for hydro-raking at Towner's Pond and sonar treatment at Swains Pond. The city has agreed to take the material and store it at the DPW facility. There is a possibility that the commission may have to pay a DPW worker out of the line item for services.

PUBLIC HEARING BOARDMAN AVENUE EXTENSION DEP File #217-xxxx

Lou Izzi, Esq. and Rich Williams from Hayes Engineering were present on behalf of the applicant. Chairman Murphy asked that an update be given to the commission.

The Planning office received a Peer Review from AECOM, but Hayes did not have enough time to respond to AECOM's comments.

Mr. Williams spoke with Jim Freely and straightened out the DEP filing fee. The TSS Removal sheets and the O&M Plan were passed around.

Mr. Williams and Attorney Izzi advised the Commission that if the Commission makes it a condition for approval to enlarge or move the small detention pond to the right of the entrance closer to the roadway, they will go back to the Planning Board and make that request.

Jan Krafts, 171 Boardman Avenue, asked what the size of the detention basin was. She had heard it was 66' x 18'. Mr. Williams said that the detention pond was roughly 25' x 25'. Commissioner Doucette stated that the detention pond be made as large as practical. Commissioner Doucette inquired as to the size of the watershed that will feed into that basin. Mr. Williams replied about 15 acres. Chairman Murphy asked what the setbacks were for zoning from the structure. Attorney Izzi stated 12 feet on the side.

Mrs. Krafts voiced her concerns about flooding. In previous years, her basement has not flooded and is concerned that her basement is going to flood because of the changes in the elevations, etc. Mr. Williams told her that it was the same elevation. The bottom is at 64, and the edge of the wetlands is at 64.2. Mrs. Krafts inquired as to the depth, and Mr. Williams told her it was approximately 2 1/2 feet deep. Mrs. Krafts asked the commission what would happen if her basement floods because the pond fills up. Mr. Williams reassured Mrs. Krafts that her basement would not flood because of the detention pond. Chairman Murphy told Mrs. Krafts that the commission understands her concerns but that the idea of having an engineered plan and an approved plan is so that no properties are affected. Mr. Williams explained that the pond is a filter that goes to the wetlands and that the edge is rock to take the pollutants and provide clean run-off to the wetlands. Mrs. Krafts wanted to know how many other homes in Melrose had a similar

situation like this subdivision. Chairman Murphy explained that there were very few new subdivisions in Melrose. A couple of examples would be Penny Way and Patriot Way.

Kathy Driscoll, 23 Cranmore Lane, addressed the commission. Ms. Driscoll lives at the end of the wetlands and wanted to know if the calculations covered the entire watershed. Mr. Williams stated that it is a 15-acre watershed that covers all land run-off from the New England Power Company and the new proposed subdivision and that there is no increase.

Paul Ormond, 25 Arlington Road, addressed the commission. Mr. Ormond asked the commission if there were calculations with the basement level and the pond level when the pond would be full and what guarantees would there be to protect the neighborhood in case flooding does happen? Commissioner Anderson inquired as to how the commission knows that her foundation or any other foundations are tight. Chairman Murphy stated that the water is only slightly higher in the pond than in the wetlands and that it would not get in.

Mr. Williams stated that the pond can't get to elevation 67, 66.5 is the top of the berm. Mr. Ormond told the commission that if the improvements can't cause new flooding then the calculations should be done and shown.

Kevin Haggerty, 11 Cranmore Lane, asked the commission to explain that if you can't add water then where does it go? Mr. Williams told Mr. Haggerty that the water would go into the ground or discharge into the wetlands. Mr. Haggerty asked if the water would increase the rate of run-off. Mr. Williams told him that it would slow it down. Mr. Haggerty asked if one detention pond was made of rocks, and Mr. Williams told him, yes. Mr. Haggerty asked why the other two ponds were not the same. Mr. Williams explained that one pond was storage before the outlet pipe and will go in and infiltrate from the bottom.

Commissioner Nerden stated that the Storm Water Management is being followed-up by the Planning Board. The commission agreed on the following with regard to the detention pond: (1) move closer to the street; (2) see if a steeper slope can be considered and (3) move closer to the property line. Commissioner Anderson mentioned that the benefits from the increase in size can't be argued. Commissioner Nerden stated that the detention basin is treating the existing neighborhood and not just the project. The commission agreed to continue the hearing until June 18, 2009 at 7:45 p.m.

MOTION

Commissioner Doucette motioned to continue the Boardman Avenue Extension hearing until June 18, 2009 at 7:45 p.m., seconded by Commissioner Nerden, voted unanimously.

PUBLIC HEARING -- 8:30 p.m.
77 SWAINS POND AVENUE
NOTICE OF INTENT (BARN FOUNDATION)
DEP File Number 217-0172

This hearing was continued from May 7, 2009. Leah Basbanes was present representing the applicant as the wetland consultant

Chairman Murphy stated that the neighborhood had been renotified regarding the hearing and that since there was no one new from the public it was requested that only new information be discussed.

Ms. Basbanes explained the dewatering plan to the commission. The proposal was provided. The structure will be lined with crushed stones and hay bales will be on the ground. There will be three layers of treatment. The remaining soil will be stockpiled about 20 feet off of the barn or put in restoration off of the front corner of the barn.

A DEP file number has been issued. The number is 217-0172. The comments from DEP have not been posted but will be posted tomorrow. Commissioner Nerden agreed that the building inspector was aware of all that is going on and feels it is okay for the applicant to proceed. The building inspector has stamped drawings, and the commission has to rely on the building inspector and the PE. Chairman Murphy asked the commission if there were any outstanding issues regarding the foundation. Ms. Basbanes reminded the commission that only a ten-foot section would be open at all times.

Chairman Murphy asked if there should be a provision regarding the basin and would be able to handle the volume of water during the construction or if it should be made larger. It was agreed that it would be field adjusted as necessary with regard to hay bales, etc. The basin shall be monitored and will not overtop

MOTION

Commissioner Anderson motioned to close the public comment for 77 Swains Pond Avenue, barn foundation, seconded by Commissioner Nerden, voted unanimously.

The Order of Conditions will have the usual conditions. The special conditions are as follows: (1) the commission can access the property at any time; (2) the commission is to be notified before any work is done on the foundation; (3) a copy of the order will be kept on site at all times; (4) if the applicant sells the property, this order will still apply; (5) when the work is completed, the applicant will come in and get a Certificate of Compliance; (6) the commission would like to have pictures taken of the work that is being done; (7) the applicant must file with the Registry of Deeds; (8) erosion controls will be checked by the commission; (9) there will be a dewatering set-up only if water is encountered; (10) areas will be stabilized each day and the applicant must keep the area in a good, clean order; (11) stockpiles will go in marked areas only; (12) no erosion must get into the stream; (13) no pollutants in the buffer zone; (14) no herbicides; (15) if the

applicant hires a contractor, the commission must be notified and (16) all dewatering activities on the site shall comply with the submitted plans.

MOTION

Commissioner Nerden motioned to approve the amendments to the special conditions and issue an Order of Conditions for 77 Swains Pond Avenue for the barn foundation, DEP file number 217-0172, seconded by Commissioner Anderson, voted unanimously, pending receipt of DEP's comments with no substantial comments.

ENFORCEMENT ACTION 77 SWAINS POND AVENUE DEP File Number 217-0172

Leah Basbanes addressed the commission. Ms. Basbanes reviewed everything that had been submitted to the commission. The revised Plan and Phasing Schedule are dated May 27, 2009.

Commissioner Nerden expressed his concerns about the work lagging on. The weather should be dry in July and August and that the work should begin on time, and a schedule has to be followed. Also, Commissioner Nerden asked if the stockpiling area was in compliance with the Ordinance. Ms. Basbanes said she would look into that. Commissioner Nerden mentioned if that the building inspector feels comfortable with the ongoing work that the commission would have to trust his judgment. Commissioner Nerden wants to make sure that the stockpiling is covered with a tarp and it is surrounded by hay bales. Chairman Murphy expressed her concern about erosion getting into the stream channel.

The channel will be lined with jute matting and will be done in the dry season. Plantings will occur in or around September. Chairman Murphy read the Phasing & Construction Schedule. The commission agreed that the commission wanted to inspect the work when it was done and to be notified before any work was to begin. The commission expects the project to be done in a timely manner of three to four days. The commission wants to have an Operations & Management Plan, a Resource Restoration Plan and the Enforcement Order. Chairman Murphy stated that the violation will be included in the new Order. The commission discussed the possible fees. The commission agreed for a total fine in the amount of \$160 fine and then \$160 if the project is not completed in a timely fashion. The first fee will be paid by July 1, 2009 and the project must be completed by November 15, 2009.

MOTION

Commissioner Doucette motioned to approve the Enforcement Order for 77 Swains Pond Avenue, seconded by Commissioner Anderson, voted unanimously.

**PUBLIC HEARING
7 CEDARWOOD LANE
The hearing began at 9:38 p.m.**

Cedarwood Lane is up near the Saugus line off of Altamont Avenue. There are wetlands southwest of the property. The garage is at the edge of the wetlands. The house and driveway are in the buffer zone. The applicant will raze the old house and rebuilt a new single-family home. Hay bales and silt fences will be put down to protect the area. The 15-20 foot buffers will be in tact.

Chairman Murphy stated that the prior subdivision never got a Certificate of Compliance and it has been over ten years. The commission agreed that a site visit would be necessary. Mr. Slager stated that the existing structure is not new and was not part of that subdivision. Chairman Murphy opened for public comment. There was no public comment. Chairman Murphy inquired as to if the wetlands were flagged. JM said the area was flagged back in March. The commission is going to go on a site visit on Monday, June 15, 2009 at 6:30 p.m. Chairman requested that the commission be given the As-Builts of the road and would like to try to close-out the road and the houses. The commission would like to have copies before the site visit.

MOTION

Commissioner Doucette motioned to continue the public hearing for Seven Cedarwood Lane until June 18, 2009 at 7:40 p.m., seconded by Commissioner Anderson, voted unanimously.

ADJOURN

The meeting adjourned at 10 p.m.

MOTION

Commissioner Doucette motioned to adjourn at 10 p.m., seconded by Commissioner Anderson, voted unanimously.

Respectfully Submitted,

Meredith L. Beauchesne, Secretary